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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,757	10/18/2001	Michael Mangold	MA0364US (#90081)	8438

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EXAMINER

KLEBE, GERALD B

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/982,757

Applicant(s)
Mangold

Examiner
Gerald Klebe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 18, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Amendment

1. The preliminary amendment filed 10/18/2001 has been entered. Claims 1-10 are pending in the application.

Specification Objections - Abstract

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Specification Objections--Minor Informalities

3. The disclosure is objected to because of the following informalities:
page 7, lines 16, 21: it appears that there are words/phrases missing from the run-on sentence "To optimally be able to ... on the threaded spindle 7."

Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. Claims 1 and 5, each in lines 4-5 recite the limitation of "... boot holder components connected, detachably in the vertical direction in a fixed manner, to the guide

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apparatus, ...". It is not clear from the recitations of the claim nor the description of the specification, including the drawings, what is meant by the claim recitation of components connected detachably in the vertical direction in a fixed manner to the guide apparatus.

For the purposes of further examination on the merits, this recitation will be understood by the examiner to mean that the boot holder components (items 15, 16) are connected to the guide apparatus in such a way that, in use, their vertical movement relative to the guide is prevented, but that they can be moved along the guide to adjust their positions longitudinally on the guide; and, in non-use situations, these components may be removed (detached) from the guide (for instance, for the purpose of replacing them on the guide when the apparatus requires repair).

Further regarding claim 5: lines 10, 11 recite the limitation "...can be adjusted against a self-locking effect...". It is not clear from the recitation of the claim nor from the specification what is meant by "self-locking effect".

For the purposes of further examination on the merits this recitation will be interpreted as meaning any structure capable of providing some resistance to further toe-to-heel movement of the apparatus once adjusted.

Appropriate correction is required.

b. Claim 8, line 3 recites the phrase "such as"; this phrase renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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c. Claim 9 line 1 recites the limitation: "...wherein the boot holder components or the connection elements have...". It is not clear from the recitation of the claim whether what is being claimed relates to the boot holder components or the connection elements or to either or both of these.

Further regarding claim 9, lines 2, 3, recite the phrase "such as" which renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Further regarding claim 9, line 2 recites the limitation "...has an adjusting input operated by a motor-driven tool..."; it is not clear from the recitation of the claim or the disclosure including the drawings whether a motor driven tool is being claimed as part of the apparatus or whether what is meant is that the apparatus claimed has an adjusting input device which may be operated with the use of a motor driven tool. In the further examination of the merits in this action, the latter interpretation will be made by the examiner.

Appropriate correction is required.

d. Claim 10 in both line 1 and line 2 recites the limitation "the rail guide". There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, and 9-10, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Graf et al. (US 5947508).

Graf et al. discloses a ski or snowboard binding having boot holder components on the toe end and on the heel end for securing a boot on a ski or snowboard having a guide apparatus extending in the longitudinal direction comprising: (**re: claim 1**) (In the following, refer specifically to Fig 3 and associated text; also refer especially to col 3, lines 18-19 which indicates an alternate embodiment for the guide (55), not shown, in which the heel end boot holder component (57) can be made adjustable on the guide by using a heel end portion on the guide 55 that is similar structure as that used on the toe end of the guide.)

- boot holder components (56 at the toe end, 57 at the heel end) form-fittingly connected in a fixed manner in the vertical direction to

- the guide apparatus (the combination of parts 50 and 55), the boot holder components also being detachable from the guide apparatus (refer col 3, lines 18, 19); and further having

- a holding device (combination of elements 51, 52, 53, and 54) arranged between the boot holder components and secured on the snowboard (by the screw 53 and the mating threaded part 52); and having

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- connection elements connecting the guide apparatus to the holding device (the combination of 60 and 61 comprises a single connection element connecting and securing the boot holder to the guide apparatus; since the alternate embodiment, not shown, would have a symmetrical guide toe-to-heel as discussed above there would be two such connecting elements, each a combination of parts described as 60 and 61); and wherein (**re: claim 2**) the guide apparatus secures the holding device; and wherein (**re: claim 3**) the holding device is at least partially integrated into the snowboard (by the items 51, 52); and wherein (**re: claim 4**) the guide apparatus has segmented rails (as shown in Fig 3, and considered for the symmetrical embodiment discussed); and wherein (**re: claim 9**) the connection elements have an adjusting device (61 is externally threaded; 60 is internally threaded) which has an adjusting input adapted to be operated by a motor-driven tool (note that the head of item 61 shows a slot adapted for engagement by, for instance, a flat blade screwdriver, which could preferably be a motorized driver); and wherein (**re: claim 10**) the holding device is secured on a central section of the guide apparatus (as shown in the Fig. 3).

8. Claims 5-8, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Graf et al. (US 5947508).

Graf et al. discloses a ski or snowboard binding having boot holder components on a ski or snowboard having a guide apparatus extending in the longitudinal direction of the ski, comprising: (**Re: claim 5**) (Specifically referring to the embodiment of Fig 3 as further modified

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to have a symmetrical guide apparatus as disclosed in column 3, lines 18-19, but not shown pictorially.)

- boot holder components on the toe end (56) and on the heel end (57) for securing a boot on a ski or a snowboard, the boot holder components form-fittingly connected, detachably in the vertical direction in a fixed manner, to

- a guide apparatus extending in the longitudinal direction of the ski (combination of 50 and 55; and refer to col 3, lines 18, 19 which indicates another embodiment, not shown, in which the heel end boot holder component may be made to be adjustable longitudinally along the guide apparatus, as discussed above in this Office action relative to claim 1), and

- a holding device (combination 51, 52, 53, and 54) arranged between the boot holder components and secured on the ski or snowboard, and wherein the boot holder components are coupled in the longitudinal direction of the guide apparatus to the holding device; and having

- connection elements (combination of 60 and 61 forms a connection element; in the embodiment being addressed there would be two such used, one on the toe end and the other on the heel end) which can be adjusted against a self-locking effect, the connecting elements connecting the guide apparatus to the holding device (refer col 3, lines 31-43);

and further (**re: claim 6**) wherein the connection elements are part of a threaded spindle (as shown in the Fig 3);

and further (**re: claim 7**) wherein the threaded spindle (61) is mounted axially on the holding device and is screwed into parts having an internal screw thread with threaded sections

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having opposing threads (60), these parts being arranged in an axially fixed manner in the boot holding components;

and wherein (**re: claim 8**) the boot holder components or the connection elements have an adjusting device which has an adjusting input capable of being operated by a motor-driven tool (note the head of the item 61 showing a slot for possible engagement by, for instance, a flat blade screwdriver, which may preferably be a motorized driver).

9. Claim 5, as best understood by the examiner, is rejected under 35 U.S.C. 102(b) as being anticipated by Fritschi et al. (US 5344179).

Fritschi et al. discloses a ski or snowboard binding having boot holder components (Fig 1, items 2,3) on the toe end (item 2) and on the heel end (item 3) for securing a boot on a ski or a snowboard, the ski or snowboard having a guide apparatus (combination items 4, 5, 31, and 32; and refer col 6, lines 10-14) extending in the longitudinal direction of the ski, comprising: boot holder components (2, 3) form-fittingly connected in a fixed manner in the direction vertical to the guide apparatus, and being detachable from the guide apparatus (refer col 6, lines 15-21); a holding device (combination items 6, 37, 38; and refer col 5, lines 17, 18) arranged between the boot holder components and secured on the ski or snowboard (refer further to col 6, lines 34-38), and wherein the boot holder components are coupled in the longitudinal direction of the guide apparatus to the holding device (refer col 6, lines 48-52); and connection elements (items 34, left and right) which can be adjusted against a self-locking effect (the toothed profiles 36 of item 34,

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combined with locking item 37) connecting the guide apparatus to the holding device (refer col 6, liens 58-63).

Prior Art made of Record

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Bossin et al. teaches a boot binding for a snow gliding board wherein the toe-to-heel length is adjustable by means of a longitudinally disposed threaded rod; Dacklin teaches a snowboard binding with longitudinally adjustable toe and heel supports wherein each of the supports is independently adjustable using threaded rods made operable with a screwdriver mechanism; Horn teaches a ski binding with toe and heel supports longitudinally adjustable; Luitz et al. teach a coupling device for adjusting the distance between the toe and heel supports of a ski binding; Rohrmoser teaches an adjustable coupling device for coupling a ski boot to a ski binding where the length between the toe support and the heel support each have independent drive elements such that when one member is attached to the ski the other can move freely; Behr and Froelich teaches a gliding device wherein the toe and heel supports are simultaneously adjustable toward or away from each other by means of a longitudinally disposed threaded rod; Longoni teaches a binding device for a ski or snowboard which is adjustable toe-to-heel direction to accommodate boots of different lengths. These references also teach various other structures having features in common with some of the limitations disclosed in the instant application

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Conclusion

11. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-308-2571, M-F 8:00 AM- 4:30 PM

ET, or to Supervisory Patent Examiner Brian L. Johnson, Art Unit 3618, at 703-308-0885.

gbklebe
gbklebe / Art Unit 3618 / 7 March 2003

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3/10/03